

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Scotts EZ Seed Litigation

Civil Action No. 12-cv-04727-VB

**NOTICE OF MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 19, 2018 at 9:30 a.m. before the Honorable Vincent L. Briccetti, United States District Judge for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, Plaintiffs Michael Arcuri, David Browne, Gwen Eskinazi, Stacy Lonardo, Lance Moore, Vance Smith, and Nancy Thomas (collectively, “Plaintiffs”), by and through Class Counsel will move and hereby do move for an order: (1) finally approving the Class Action Settlement, and (2) certifying the Settlement Class.

PLEASE TAKE FURTHER NOTICE that, in support of the motion, Plaintiffs will rely upon: (1) the accompanying Memorandum of Law, (2) the October 5, 2018 Declaration of Joseph I. Marchese, and the exhibits attached thereto (including the Parties’ Class Action Settlement Agreement) (ECF No. 350), (3) the October 5, 2018 Declaration of Timothy J. Peter, and the exhibits attached thereto (ECF No. 351), (4) the October 5, 2018 Declaration of Antonio Vozzolo, and the exhibits attached thereto (ECF No. 352), (5) the Declarations of Plaintiffs Michael Arcuri, David Browne, Gwen Eskinazi, Stacy Lonardo, Lance Moore, Vance Smith, and Nancy Thomas (ECF Nos. 353-359), and (6) the Declaration of Jeanne C. Finegan, and the exhibits attached thereto.

PLEASE TAKE FURTHER NOTICE that the undersigned hereby requests oral argument.

A Proposed Final Judgment and Order of Dismissal with Prejudice is submitted herewith.

Dated: December 5, 2018

Respectfully submitted,

BURSOR & FISHER, P.A.

By: /s/ Joseph I. Marchese
Joseph I. Marchese

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